IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Trelewicz	)	Art Unit: 2122
	)	
Serial No.: 09/693,090	)	Examiner: Kiss
	)	
Filed: October 20, 2000	)	BLD9-2000-0060-US2
	)	
For: **COMPILER FOR ENABLING MULTIPLE SIGNED**	)	June 6, 2005
INDEPENDENT DATA ELEMENTS PER	)	750 B STREET, Suite 3120
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	)	

REPLY BRIEF

This responds to new arguments in the Examiner's Answer. Relative to the written description rejection, the Answer fails to recognize that when compiler extends the input precision by one bit for each addition or subtraction and by sufficient bits to accommodate multiplication operations, and by one bit when necessary to ensure that the maximum magnitude negative number that can be represented by a data element is one larger than the maximum negative number that can be represented in the output precision, it *ipso facto* is discussing an input precision that reflects the initial precision of individual data elements after simultaneous operation has been accounted for. No explanation has been offered by the conferees as to why the skilled artisan would fail to recognize what is plain from the original disclosure.

The Answer continues to confuse a claim wherein something "may" happen with a reference wherein that something cannot, ever, happen. Sensing the bankruptcy of that line of illogic, the Answer then alleges that it doesn't matter anyway, because "the affected clause should not be given patentable weight as it does not properly modify the corresponding limitation of simultaneously processing the elements *by limiting or describing how the simultaneous processing is carried out*" (emphasis mine). That is wrong, and the legal error is easy to see. The conferees are confusing the enablement requirement with claim scope. All that is

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required for patentability is that the claim at issue permits something that the prior art forbids. It is the

function of the specification, not the claim, to teach the specifics of how to carry out the previously forbidden

feature. Just because a claim broadly recites a previously forbidden feature that the conferees have been

unable to identify in the prior art does not mean that the function must be refused patentable weight out of

an evident sense of frustration.

The section of part 7c of the Brief that "has been ignored" by the conferees was plainly misplaced,

discussing, as it does, the Mendel reference addressed in part 7d. The point is that no prior art reason or

motivation has been pointed to for combining Mendel with FiD98, rendering the rejections based on this

ground of rejection reversible error.

Respectfully submitted,

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